

REMARKS

Claims 1–26 and 44–86 are currently pending in this application.

The Office Action includes a restriction requirement. In response, Applicants have elected to prosecute claims 1–26 and 44–69. Accordingly, claims 27–43 have been cancelled without prejudice herein as being directed to an unelected invention. A divisional application may be filed later to prosecute these canceled claims.

Claims 1–26 and 44–52 were allowed.

Claims 53–56, 58, 60–69 were rejected. Claims 57 and 59 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully request reconsideration of these claims in view of the following remarks.

Claim 67 is amended to correct an editorial error that is not believed relevant to patentability.

Claims 70–86 are added. No new matter has been added.

Replacement Sheets correcting minor typographical errors to figures 5d, 5e, 5h, 5i, 6, 7, 8, 9a, and 9b are included herein.

Amendments to the Specification

The specification has been objected to because of informalities regarding the “Brief Description of Drawings.” Applicant has corrected these informalities herein.

Paragraphs [8, 10-12, 14, 45, 46, 49-52] of the specification are amended to correct minor clerical errors not believed relevant to patentability.

No new matter has been added.

Amendments to the Claims

Claims 53, 55, 58, 60-62, and 67 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,686,231 to Ahmed et al. (hereinafter “Ahmed”) Office Action page 3. In addition, claims 54, 56, 63-66, and 68-69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ahmed. Office Action page 4.

Claim 53, as originally filed, recites “forming a planarizing layer over the gate electrode material; [and] etching the planarizing layer and the gate electrode material to form a gate electrode layer with a substantially planar upper surface.” Ahmed does not teach or suggest “forming a planarizing layer over the gate electrode material.” Instead, Ahmed merely teaches a planarizing process that includes: “[a] chemical-mechanical polishing (CMP) or other conventional technique may be performed so that the upper surface of the gate material 320 is substantially planar.”

Applicants respectfully assert that claim 53 is not anticipated and is not obvious over Ahmed, therefore claim 53 is allowable. Since the other claims that were rejected under § 102(e), *i.e.*, claims 54-56, 58 and 60-69, depend from claim 53, these claims are allowable for at least for these reasons.

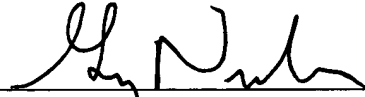
Claims 57 and 59 were objected to as being dependent upon rejected claim 53. Office Action page 5. In light of the remarks regarding claim 53, Applicants request withdrawal of the objection. In addition, claim 70 has been added and includes limitations similar to those included in original claim 59, and claim 79 has been added and includes limitations similar to those included in original claim 57. It is respectfully submitted that these claims, as well as those claims that depend therefrom, are allowable over the references of record.

In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner please contact Applicants' attorney at the address below. In the event that the enclosed fees are insufficient, please charge any additional fees required to keep this application pending, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date



Gregory T. Neugebauer
Attorney for Applicant
Reg. No. 53,378

SLATER & MATSIL, L.L.P.
17950 Preston Rd.
Suite 1000
Dallas, Texas 75252
Tel. 972-732-1001
Fax: 972-732-9218